UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,	)	Magistrate Case No.
Plaintiff,	)	
v.	)	COMPLAINT FOR VIOLATION OF:
1.) Cesar Ysidro RODRIGUEZ-Gomez,	)	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens
2.) Rodolfo SANCHEZ-Robles	)	
Defendant(s)	)	Title 8 U.S.C.,Sec 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

08 MJ 1270

The undersigned complainant, being duly sworn, states:

COUNT ONE

On or about **April 23, 2008,** within the Southern District of California, defendant **Rodolfo SANCHEZ-Robles** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan Gabriel HERNANDEZ-Becerril, Abraham REYES-Cesareo, and Paciano CESAREO-Gonzalez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about **April 23, 2008,** within the Southern District of California, defendant **Cesar Ysidro RODRIGUEZ-Gomez,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan Gabriel HERNANDEZ-Becerril, Abraham REYES-Cesareo, Paciano CESAREO-Gonzalez,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** DAY OF **APRIL 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
1.) Cesar Ysidro RODRIGUEZ-Gomez
2.) Rodolfo SANCHEZ-Robles

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Juan Gabriel HERNANDEZ-Becerril, Abraham REYES-Cesareo, and Paciano CESAREO-Gonzalez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 23, 2008, Border Patrol Agent G. McGrath was conducting patrol duties in Eastern San Diego County assigned to the Campo California Border Patrol Station. Agent Magrath was in full Border Patrol uniform and operating a marked Border Patrol truck. At approximately 3:30 AM, Agent Magrath was positioned at the intersection of Sunrise Highway and Old Highway 80, just east of Pine Valley, California when he observed a blue and silver Ford F-250 exit eastbound Interstate 8. He then entered back onto I-8 westbound. This area is located in a remote mountainous region approximately 50 miles east of San Diego, California and 20 miles north of the Tecate, California Port of Entry.

The Border Patrol I-8 immigration checkpoint is approximately two miles east of this location. It is common for alien smuggling organizations to use this area as a drop off point for groups to walk around the checkpoint on foot. Magrath proceeded after the F-250 to investigate further. As Agent Magrath entered onto westbound I-8, he observed that the F-250 was traveling at a very high rate of speed. Agent Magrath was forced to exceed 100 miles per hour and was still unable to overtake the F-250. Agent Magrath radioed ahead requesting any agents west of his position to assist. Supervisory Border Patrol Agent Hansen, assigned to the San Diego Sector Smuggling Interdiction Group (SIG), was near the Pine Valley Bridge and responded to assist. Agent Hansen was in full Border Patrol uniform and operating a fully marked Border Patrol sedan. Agent Hansen proceeded westbound. Agent Hansen was unable to catch up to the F-250 until it had passed Tavern Road in Alpine, a distance of approximately sixteen miles. Agent Hansen slowly brought his sedan up to the rear of the F-250 until he was able to read the license plate. The driver responded by slowing back down to normal highway speeds. At this time, Agent Hansen observed what appeared to be a tarp or a jacket flapping in the wind within the bed of the F-250. Agent Hansen contacted Border Patrol radio dispatch requesting stolen vehicle/registered owner information on the F-250 referencing its displayed California license plate.

Agent Hansen requested additional SIG agents in unmarked vehicles to respond to the area anticipating, due to the driver's already dangerous driving. As the F-250 approached Dunbar Lane, Agent Hansen pulled alongside the F-250's. Agent Hansen activated his passenger side alley light illuminating the driver, whom Agent Hansen positively identified as **Rodolfo SANCHEZ-Robles**. Only SANCHEZ and a front seat passenger, later identified as **Cesar Ysidro RODRIGUEZ-Gomez** were visible. Agent Hansen put out a description of the driver to responding agents. As soon as Agent Hansen pulled alongside the F-250, SANCHEZ accelerated the F-250, again reaching speeds in excess of 100 miles per hour. Agent Hansen pulled in directly behind the F-250, waiting to attempt a vehicle stop until SIG agents were in place with a controlled tire deflation device (CTDD). Border Patrol Agent Miranda positioned himself at the Los Coaches Road exit off I-8 in Lakeside, preparing to deploy a CTDD.

CONTINUATION OF COMPLAINT:
1.) Cesar Ysidro RODRIGUEZ-Gomez
2.) Rodolfo SANCHEZ-Robles

As the F-250 neared Los Coaches Road, the F-250 slowly reduced speed, soon falling below the speed limit. SANCHEZ continued and exited I-8 at Los Coaches Road. The F-250 picked up some speed on the off-ramp, continuing to the bottom turning northbound, failing to stop at the stop sign. Agent Miranda then joined Agents Hansen and Magrath following the F-250 into the gas station located on Los Coaches Road. The F-250 came to a stop. Agent Miranda approached the driver side and identified himself as a United States Border Patrol Agent to SANCHEZ and the passengers in the cab. Agent Miranda observed two people lying at Rodriguez's feet on the passenger side floorboard, and the rear seat area was filled with people lying down, totaling eight individuals within the cab area. The bed of the F-250 was also filled with people, totaling seven. Agent Miranda questioned all eight persons in the cab, including SANCHEZ and RODRIGUEZ as to their citizenship and immigration status. SANCHEZ stated that he was a United States citizen. All seven passengers in the cab admitted that they were citizens and nationals of Mexico. None could produce any immigration documents allowing them to enter, be or remain in the United States legally. All seven admitted to being illegally present in the United States. Agent Miranda placed all eight individuals found inside the cab under arrest at approximately 3:45 AM.

Agent Hansen identified himself as a United States Border Patrol Agent to the passengers in the bed area of the F-250. Agent Hansen questioned all seven persons in the bed as to their citizenship and immigration status. All seven passengers in the bed admitted that they were citizens and nationals of Mexico. None could produce any immigration documents allowing them to enter, be or remain in the United States legally. All seven admitted to being illegally present in the United States. Agent Hansen placed all eight individuals found inside the vehicles cab under arrest at approximately 3:50 AM. All fifteen individuals arrested in this event were transported to the Chula Vista Border Patrol Station for processing.

DEFENDANT STATEMENT: Cesar Ysidro RODRIGUEZ-Gomez

Defendant stated that he understood his Miranda rights and was willing to answer questions without an attorney present. **Cesar Ysidro RODRIGUEZ-Gomez** stated that he is a citizen and national of Mexico, illegally present in the United States without any United States immigration documents allowing him to enter or remain in the United States legally.

RODRIGUEZ admitted he was apprehended by the Border Patrol 10 times in the past smuggling undocumented aliens. RODRIGUEZ said that he stopped smuggling aliens about a month ago and returned to his hometown in Colima, Mexico. RODRIGUEZ said he was working as a field worker but it did not pay enough to support him and his wife. RODRIGUEZ said he was in need for money, and he contacted a smuggler in Tijuana, Mexico to smuggle aliens once again. RODRIGUEZ said that he made an agreement with the smuggler, to smuggle a group of undocumented aliens into the United Sates in exchange for his fee to be waived.

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CONTINUATION OF COMPLAINT:
1.) Cesar Ysidro RODRIGUEZ-Gomez
2.) Rodolfo SANCHEZ-Robles

DEFENDANT STATEMENT: Rodolfo SANCHEZ-Robles

Rodolfo SANCHEZ-Robles stated that he is a United States citizen. The defendant stated that he understood his Miranda rights and was willing to answer questions without an attorney present. The defendant said that he knows an alien smuggler named Arturo, aka "Ture" who offered him a job to smuggle illegal aliens for $200.00 (USD) each. The defendant agreed because he needed the money. He met Ture at Memorial Park in Barrio Logan. The defendant said he is given the load vehicle by Ture. He drives east to Potrero, California where he loads the illegal aliens. The groups are always about fifteen people. He said he knew that the people he was transporting today were illegal aliens. He said he dropped this group off at the intersection of Buckman Springs Road and Old Highway 80 so they could walk around the checkpoint.

MATERIAL WITNESSES STATEMENTS:

The statements of material witnesses **Juan Gabriel HERNANDEZ-Becerril, Abraham REYES-Cesareo, and Paciano CESAREO-Gonzalez** agree in summary that they are citizens and nationals of Mexico and illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States for a fee of $2000 U.S. dollars to be smuggled into the United States.